

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7629

BILL NUMBER: HB 1703

DATE PREPARED: Feb 17, 1999

BILL AMENDED: Feb 15, 1999

SUBJECT: Psychological evaluation of children bringing guns to school or on a school bus.

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that a student who brings a firearm or deadly weapon onto a school bus or possesses the item on a school bus is considered to be on school property. It requires a school administrator or other employee to notify a local law enforcement agency if a student is or has been in possession of a firearm on school property or a school bus. It requires a child who is taken into custody for possession of a firearm on school property or a school bus to be held in detention until a detention hearing. It requires a court to order a psychological evaluation of the child by a licensed physician or clinical psychologist to determine if the child is a danger to the child or others. It also requires the person conducting the evaluation to provide a report to the court before the detention hearing.

Effective Date: July 1, 1999.

Explanation of State Expenditures: See Local Expenditures.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill requires a school administrator or other employee to notify a local law enforcement agency if a student is or has been in possession of a firearm on school property or a school bus. It also requires a child who is taken into custody for possession of a firearm on school property or a school bus to be held in detention until a detention hearing can be held.

If the student is under 16 years of age, the juvenile court has jurisdiction, unless it agrees to waive its jurisdiction to adult court at the request of the prosecuting attorney. This juvenile will be detained in one of the 20 juvenile detention centers until a detention hearing is conducted. A child under the age of twelve may not be detained in an adult Department of Correction facility.

If the student is 16 years old or over, the offense mandates that the juvenile court has no jurisdiction. In this

case, since the student would be directly referred to adult court, they will most likely be detained in a local juvenile detention center until a bed is available in a Department of Correction facility for juveniles. If there is no other place to detain a juvenile, they can be held in jail for up to 6 hours for processing, but sight and sound separation from the adult population is required.

Based on the information in the table below and assuming children 16 years of age and older are in grades 10-12, 198 children would have been directly referred to adult court, and 330 would have remained under the juvenile court's jurisdiction. Based on past history, we might expect to see similar statistics in the future.

1996-1997 Indiana Public School Expulsions for Deadly Weapons/Firearms by Grade															
	PK	KG	1	2	3	4	5	6	7	8	9	10	11	12	Total
Deadly Weapons (other than firearms)				2	5	2	8	16	38	54	62	50	22	14	273
Handguns					2	1		2	7	11	23	14	7	5	72
Rifles or Shotguns						1					2	4	1	4	12
Other Firearms				1		2	2	4	22	15	48	41	28	8	171
Totals				3	7	6	10	22	67	80	135	109	58	31	528

There are a total of 20 juvenile detention centers throughout the state in the following counties: Allen, Bartholomew, Clark, Dearborn, Delaware, Elkhart, Grant, Hamilton, Henry, Howard, Johnson, Knox, Lake, LaPorte, Madison, Marion, Porter, St. Joseph, Vanderburgh and Vigo. The centers are operated by the county and costs associated with the centers are paid out of the county general fund.

This bill also requires the court to order a psychological evaluation of the child by a licensed physician or clinical psychologist to determine if the child is a danger to the child or others. Most court-ordered psychological evaluations of juveniles are conducted by private psychologists or physicians and the cost is paid by the parents of the child. If the parents are unable to pay, many courts will order that the cost of the evaluation be paid by the Local Office of Family and Children. A court ordered psychological evaluation can cost from \$150-600, depending on the number of hours the evaluation requires and the medical professional's billing rate.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Prosecuting attorneys; courts; local law enforcement; jails; Local Offices of Family and Children.

Information Sources: Judge Sally Gray, Senior Judge, Putnam Superior Court, (765) 653-2658; Paul Downing, Department of Correction, (317) 233-6666; Bill Glick, Juvenile Justice Task Force, (317) 926-6100; Terry Spradlin, Department of Education, (317) 232-6671; Dwayne James, Department of Education,

(317) 232-0821; Stephen Johnson, Prosecuting Attorneys Council, (317) 232-1836; Gary Chavers, Marion County Juvenile Deputy Prosecuting Attorney, (317) 327-5963; IC 31-30-1-4 (for list of offenses which mandate direct referral to adult criminal court); Magistrate John Shanahan, Porter Circuit Court, (219) 465-3651.